

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Cause No. 1:07-cr-0012-RLY-TAB
)
)
LUIS JAVIER VILLA-ALVARADO,) - 02
)
)
Defendant.)

REPORT AND RECOMMENDATION

On October 20, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on February 8, 2021. Defendant Villa-Alvarado appeared in person with his appointed counsel Dominic Martin. The government appeared by Bradley Blackington, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Tasha Taylor.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Villa-Alvarado of his rights and ensured he had a copy of the Petition. Defendant Villa-Alvarado orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Villa-Alvarado admitted violation number 1 as set forth in the Petition. [Docket No. 206.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1 **"The defendant shall not commit another federal, state, or local crime."**

On February 3, 2021, Mr. Villa-Alvarado was arrested in Texas for Illegal Re-Entry. A criminal complaint has been filed in the Southern District of Texas.

4. The Court finds that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is I.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 4 to 10 months' imprisonment.

5. The government recommended a sentence of eight (8) months to be served consecutively to the sentence imposed out of the Southern District of Texas under cause no. 7:21-cr-0419-1 with no supervised release to follow. Defendant's counsel argued for a sentence at the low end of the guidelines to be served concurrently to the sentence imposed out of the Southern District of Texas under cause no. 7:21-cr-0419-1 with no supervised release to follow.

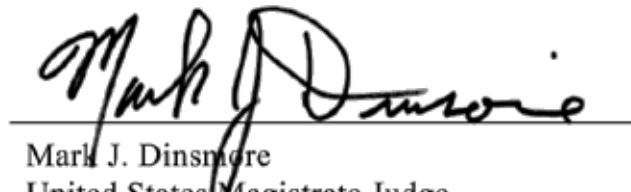
6. Defendant plead guilty and was sentenced in the Southern District of Texas under cause no. 7:21-cr-0419-1 for his illegal reentry into the United States of America. The Texas Court was aware that Defendant was on supervised release in this matter at the time of the offense and sentenced Defendant to twenty-four months incarceration, with a recommendation that the sentence in that matter be served concurrent with any period of incarceration Defendant received on the supervised release violation.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the condition set forth in the Petition, and recommends that Defendant's supervised release be revoked, and that Defendant

be sentenced to the custody of the Attorney General or his designee for a period of six (6) months to be served concurrently to the sentence imposed out of the Southern District of Texas under cause no. 7:21-cr-0419-1, with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to this Report and Recommendation.

Dated: 21 OCT 2021



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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